

**REMARKS**

Claims 1, 3-18, 20 and 21 are pending. By this Amendment, claims 1, 3-17 and 20 are amended for clarity and to correct informalities, and claim 21 is added. No new matter is added. Reconsideration of the application is respectfully requested.

Applicants appreciate the courtesies shown to Applicants' representatives by Examiner Wang and Walker in the February 25 personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

Claims 2 and 13-20 are withdrawn from consideration. Claims 2 and 19 were previously canceled. Applicants respectfully request the rejoinder of at least claims 13-17 upon allowance of independent claim 1, from which they depend.

The Office Action objects to the specification. The specification is amended to obviate the objection. Withdrawal of the objection is respectfully requested.

The Office Action objects to claims 3-12, asserting that the word "Claim" should be all lowercase. There is no requirement that "claim" must be all lowercase. However, to advance the prosecution, Applicants voluntarily amend claims 3-12 to respond to the objection. Claims 13-17 are similarly amended. Withdrawal of the objection is respectfully requested.

The Office Action objects to claims 4 and 5 regarding the phrase "fuel cell has stopped." Claims 4 and 5 are amended to obviate the objection. Claim 14 is amended similarly. Withdrawal of the objection is respectfully requested.

The Office Action objects to claim 5 regarding number "4" in line 2. The number "4" was properly deleted by the May 3, 2006 Preliminary Amendment. Withdrawal of the objection is respectfully requested.

The Office Action rejects claims 1 and 3-12 under 35 U.S.C. §112, second paragraph. Claims 1, 3, 5, 6, 8 and 11 are amended to obviate the rejection. Withdrawal of the rejection is respectfully requested.

The Office Action rejects claims 1, 3-6, 8 and 9 under 35 U.S.C. §102(e) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over U.S. Patent Application Publication No. 2004/0126628 to Balliet et al. (Balliet). This rejection is respectfully traversed.

Claim 1 recites, among other features, a purge gas feeder that is connected to a mixer and feeds a purge gas devoid of hydrogen to the anode side of the fuel cell via the mixer, a purge decision unit that, once power generation in the fuel cell stops, decides whether a purge condition under which the purge gas should be supplied to the anode side of the fuel cell is met, and a purge controller that, in an event that the purge decision unit decides that the purge condition is met, actuates the purge gas feeder to replace the fuel gas within the fuel cell with the purge gas, or in an event that the purge decision unit decides that the purge condition is not met, does not actuate the purge gas feeder. As discussed during the interview, these features are shown in Fig. 2, for example.

The Office Action asserts in pages 9 and 10 that because Fig. 1 of Balliet shows an oxidant inlet valve 50, a cathode fuel purge valve 63 and an anode flow field isolation valve 62 along the piping between an oxidant source 42 and an anode flow field 28 and allegedly form a path between the oxidant source 42 and the anode flow field 28, and because Balliet recognizes operating its fuel cell device in three modes (*i.e.*, start up, normal and shut down modes), under which the valves are allegedly inherently controlled by a controller, Balliet allegedly inherently discloses, or would have rendered obvious, the above features.

During the interview, although the Examiners admitted that, in Balliet, oxidant does not flow from the oxidant source 42 to the anode flow field 28 because the cathode fuel purge valve 63 is always closed when the oxidant inlet valve 50 and the anode flow field isolation valve 62 are open (see paragraph [0030] of Balliet), the Examiners asserted that Balliet is structurally "capable of" flowing the oxidant from the oxidant source to the anode flow field 28. However, as agreed to during the interview, Balliet does not disclose, and would not have

rendered obvious, that a purge gas feeder is connected to a mixer and feeds a purge gas devoid of hydrogen to the anode side of the fuel cell via the mixer, as recited in claim 1.

Moreover, as discussed during the interview, Balliet discloses in paragraph [0030] that the cathode fuel purge valve 63 may be controlled to be open or closed in response to the positions of the oxidant inlet valve 50 and the anode flow field isolation valve 62. Thus, the alleged controller merely detects the positions of the valves 50 and 62 to control the opening and closing of the valve 63, in order to prevent the flow of the reducing fluid fuel when the valves 50 and 62 are open, as discussed above. Balliet does not disclose, and would not have rendered obvious, a feature to decide whether a purge condition under which the purge gas should be supplied to the anode side of the fuel cell is met, and to actuate the purge gas feeder based on the decision regarding the purge condition.

At least for these reasons, Balliet does not disclose, and would not have rendered obvious, the subject matter of claim 1.

Claims 3-6, 8 and 9 are also not disclosed, and would not have been rendered obvious, by Balliet, at least for their dependence on claim 1, as well as for the additional features they recite. Reconsideration and withdrawal of the rejection are respectfully requested.

The Office Action rejects claim 7 under 35 U.S.C. §103(a) over Balliet in further view of U.S. Patent Application Publication No. 2004/0033395 to Thompson; and rejects claims 10-12 under 35 U.S.C. §103(a) over Balliet in further view of U.S. Patent Application No. 6,063,515 to Epp et al. (Epp). These rejections are respectfully traversed.

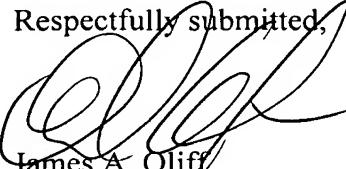
Neither Thompson nor Epp overcome the deficiencies of Balliet with respect to claim 1. Therefore, claims 7 and 10-12 are also not disclosed, and would not have been rendered obvious, by the applied references, at least for their dependence on claim 1, as well as for the additional features they recite. Reconsideration and withdrawal of the rejections are respectfully requested.

Added claim 21 recites that the purge controller, (1) in an event that purge decision unit determines that the purge condition is met, allows actuation of the purge gas feeder by opening a valve provided downstream of the anode side of the fuel cell to replace the fuel gas within the fuel cell with the purge gas, or (2) in an event that the purge decision unit determines that the purge condition is not met, prohibits the actuation of the purge gas feeder by closing the valve. This feature is shown in Fig. 2.

Claim 21 is not disclosed, and would not have been rendered obvious, by the applied references at least for its dependence on claim 1, as well as for the additional features it recites.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 3-18, 20 and 21 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,  
  
James A. Oliff  
Registration No. 27,075

Daniel A. Tanner, III  
Registration No. 54,734

JAO:KXH/emd

Date: March 11, 2010

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 320850**  
**Alexandria, Virginia 22320-4850**  
**Telephone: (703) 836-6400**

**DEPOSIT ACCOUNT USE  
AUTHORIZATION**  
Please grant any extension  
necessary for entry of this filing;  
Charge any fee due to our  
Deposit Account No. 15-0461